



OPEN MEETING ITEM

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MEMORANDUM

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2001 AUG 15 A 9:10

FROM: Utilities Division

AZ CORP COMMISSION  
DOCUMENT CONTROL

DATE: August 14, 2001

RE: IN THE MATTER OF THE APPLICATION OF VERIZON CALIFORNIA INC.,  
FOR APPROVAL OF A LOCAL INTERCONNECTION AGREEMENT WITH  
FUZION WIRELESS COMMUNICATIONS, INC. (DOCKET NO. T-01846B-01-  
0571)

On July 20, 2001, Verizon California Inc., ("Verizon") filed an Application for approval of an Interconnection Agreement and supplement between Verizon and Fuzion Wireless Communications, Inc. ("Fuzion"). The term of the Agreement shall be effective upon Commission approval and remain in effect until October 1, 2003. The Agreement could be extended by either party if written notice is provided no later than nine (9) months prior to the Termination Date. The Agreement governs the terms and conditions under which Verizon will offer interconnection services to Fuzion.

The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Agreement between Verizon and Fuzion was voluntarily negotiated, without resort to arbitration.

Under the terms of the Agreement, Verizon will provide specified local exchange services for Interconnection, Resale, Collocation and Unbundled Network Elements to Fuzion. Generally, Verizon services will be made available to Fuzion for resale at a 10.9% discount.

According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. Verizon is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission  
DOCKETED

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THE COMMISSION

August 14, 2001

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Since there are no grounds for rejection of the Agreement pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the Interconnection Agreement between Verizon and Fuzion.

*Barbara W. Haske*  
for

Steven M. Olea  
Acting Director  
Utilities Division

SMO:EAA:bsl/MCC

ORIGINATOR: Erinn Andreasen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL  
Chairman

3 JIM IRVIN  
Commissioner

4 MARC SPITZER  
Commissioner

5  
6 IN THE MATTER OF THE APPLICATION )  
OF VERIZON CALIFORNIA INC., )  
7 FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT )  
8 WITH FUZION WIRELESS )  
COMMUNICATIONS, INC. )

DOCKET NO. T-01846B-01-0571

DECISION NO. \_\_\_\_\_

ORDER

9  
10 Open Meeting  
August 28 and 29, 2001  
11 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On July 20, 2001, Verizon California Inc. ("Verizon"), filed an Application for  
15 approval of an Interconnection Agreement and supplement between Verizon and Fuzion Wireless  
16 Communications, Inc. ("Fuzion"). The term of the Agreement shall be effective upon  
17 Commission approval and remain in effect until October 1, 2003. The Agreement could be  
18 extended by either party if written notice is provided no later than nine (9) months prior to the  
19 Termination Date. The Agreement governs the terms and conditions under which Verizon will  
20 offer interconnection services to Fuzion.

21 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local  
22 exchange carriers to make their networks available for Interconnection and Resale by new  
23 entrants to the local exchange market. The 1996 Act provides for interconnection and resale  
24 agreements to be concluded by voluntary negotiation.

25 3. This Agreement between Verizon and Fuzion was voluntarily negotiated, without  
26 resort to arbitration.

27 4. Under the terms of the Agreement, Verizon will provide specified local exchange  
28 services for Interconnection, Resale, Collocation and Unbundled Network Elements to Fuzion.

1 Generally, Verizon services will be made available to Fuzion for resale at a 10.9% discount.

2 5. According to the 1996 Act and Commission Rule, the Commission must approve  
3 voluntarily negotiated interconnection and resale agreements, if their provisions are non-  
4 discriminatory and in the public interest.

5 6. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the  
6 public interest. Verizon is offering the same terms and conditions of the Agreement to all other  
7 interested parties. The Agreement is in the public interest because it will act to further competition  
8 in the local exchange market in Arizona.

9 7. Since there are no grounds for rejection of the Agreement pursuant to Section  
10 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the  
11 Interconnection Agreement between Verizon and Fuzion.

12 CONCLUSIONS OF LAW

13 1. Verizon is an Arizona Public Service Corporation within the meaning of Article  
14 XV, Section 2, of the Arizona Constitution.

15 2. The Commission has jurisdiction over Fuzion and over the subject matter of the  
16 Application.

17 3. The Commission, having reviewed the Application and Staff's Memorandum has  
18 determined that the Resale Agreement negotiated between Verizon and Fuzion meets the  
19 requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-  
20 negotiated agreements and is in the public interest.

21 4. The Commission maintains jurisdiction over the subject matter of the Agreement  
22 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission  
23 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules  
24 promulgated thereunder.

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Interconnection Agreement between Verizon and Fuzion filed on July 20, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
Executive Secretary of the Arizona Corporation  
Commission, have hereunto, set my hand and caused the  
official seal of this Commission to be affixed at the Capitol,  
in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

SMO:EAA:bsl/MCC

1 SERVICE LIST FOR: Verizon California Inc., and Fuzion Wireless Communications, Inc.

2 DOCKET NO. T-01846B-01-0571

3

4 Ms. Jenny M. Wong  
5 Director Regulatory Affairs  
6 One Verizon Place – CA500GC  
7 Thousand Oaks, California 91362-3811

8

9 Mr. Christopher C. Kempley  
10 Chief Counsel  
11 Arizona Corporation Commission  
12 1200 West Washington  
13 Phoenix, Arizona 85007

14 Mr Steven M. Olea  
15 Acting Director, Utilities Division  
16 Arizona Corporation Commission  
17 1200 West Washington  
18 Phoenix, Arizona 85007

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